



# Inala Shopping Centre Freeholding Act 2006

Reprinted as in force on 18 December 2009

Reprint No. 1C

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This Act is reprinted as at 18 December 2009. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Inala Shopping Centre Freeholding Act 2006

## Contents

---

|               |  | Page |
|---------------|--|------|
| <b>Part 1</b> | <b>Preliminary</b>   |      |
| 1             | Short title . . . . .  | 3    |
| 2             | Commencement . . . . .   | 3    |
| 3             | Act binds all persons . . . . .  | 3    |
| 4             | Dictionary . . . . .   | 3    |
| <b>Part 2</b> | <b>Preparation of shopping centre land for creation of<br/>community titles schemes</b>                |      |
| 5             | Land shown on sch 1 plan . . . . .   | 4    |
| 6             | Permanent closure of road . . . . .  | 4    |
| 7             | Issue of deeds of grant for shopping centre land and excluded<br>land . . . . .                        | 4    |
| 8             | Preparation and registration of plan of survey . . . . .   | 5    |
| <b>Part 3</b> | <b>Establishment of community titles schemes</b>   |      |
| 9             | Plans of subdivision for community titles schemes . . . . .  | 6    |
| 10            | Community management statements for community titles<br>schemes . . . . .                              | 7    |
| 11            | Date of establishment of community titles schemes. . . . .   | 7    |
| 12            | State as original owner for community titles schemes . . . . .   | 7    |
| 13            | Notice to lessees of recording of community management<br>statements etc. . . . .                      | 8    |
| 14            | Requirement for lessees to pay conversion cost and provide<br>information . . . . .                    | 8    |
| <b>Part 4</b> | <b>Vesting of lots in lessees</b>  |      |
| 15            | Termination of shopping centre leases and vesting of lots in<br>lessees . . . . .                      | 9    |
| 16            | Transfer lot for which a relevant lease is not in force immediately<br>before conversion day . . . . . | 10   |
| 17            | Co-ownership of transfer lots . . . . .  | 11   |

*Inala Shopping Centre Freeholding Act 2006*


---

|                     |  |    |
|---------------------|--|----|
| 18                  | Recording conversion of title etc. . . . .   | 11 |
| 19                  | Creation of chief executive's charge . . . . .   | 13 |
| 20                  | Enforcement of chief executive's charge—notice of intention to<br>sell lot . . . . .       | 13 |
| 21                  | Release of chief executive's charge on payment of conversion<br>cost etc. . . . .          | 14 |
| 22                  | Sale of lot by chief executive . . . . .   | 15 |
| 23                  | Priority of local government charge preserved . . . . .                                    | 16 |
| 24                  | Chief executive's charge not affected by mortgagee sale . . . . .                          | 17 |
| 25                  | No compensation . . . . .  | 17 |
| <b>Part 5</b>       | <b>Miscellaneous provisions</b>  |    |
| 26                  | Particular proceedings not affected by cancellation of shopping<br>centre leases . . . . . | 17 |
| 27                  | Exempt development . . . . .   | 19 |
| 28                  | Provision for survey plan if particular access easement created . . . . .                  | 19 |
| 29                  | Notice of change of ownership of transfer lot . . . . .                                    | 19 |
| 30                  | Payment of costs—adjustment of lot entitlement schedule for<br>subsidiary scheme . . . . . | 20 |
| <b>Schedule 1</b>   | <b>Proposed plan showing shopping centre land and excluded<br/>land . . . . .</b>          | 21 |
| <b>Schedule 2</b>   | <b>Proposed plan of subdivision for principal scheme . . . . .</b>                         | 22 |
| <b>Schedule 3</b>   | <b>Proposed plan of subdivision for subsidiary scheme . . . . .</b>                        | 24 |
| <b>Schedule 4</b>   | <b>Transfer lots and relevant leases . . . . .</b>   | 25 |
| <b>Schedule 5</b>   | <b>Dictionary . . . . .</b>  | 26 |
| <br><b>Endnotes</b> |  |    |
| 1                   | Index to endnotes . . . . .  | 28 |
| 2                   | Date to which amendments incorporated . . . . .  | 28 |
| 3                   | Key . . . . .  | 28 |
| 4                   | Table of reprints . . . . .  | 29 |
| 5                   | List of legislation . . . . .  | 29 |
| 6                   | List of annotations . . . . .  | 29 |

# **Inala Shopping Centre Freeholding Act 2006**

[as amended by all amendments that commenced on or before 18 December 2009]

**An Act to provide for the freeholding and divestment of perpetual leases under the *Housing Act 2003* in the Inala Shopping Centre**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Inala Shopping Centre Freeholding Act 2006*.

### **2 Commencement**

- (1) This Act, other than section 32(2) and part 6, division 2, commences on a day to be fixed by proclamation.
- (2) Section 32(2) and part 6, division 2 commence 1 year after part 2 commences.

### **3 Act binds all persons**

This Act binds all persons, including the State.

### **4 Dictionary**

The dictionary in schedule 5 defines particular words used in this Act.

## **Part 2                      Preparation of shopping centre land for creation of community titles schemes**

### **5            Land shown on sch 1 plan**

- (1) The *shopping centre land* is the land shown on the plan in schedule 1, other than the excluded land.
- (2) The *excluded land* is the land shown on the plan in schedule 1 as the excluded land.

### **6            Permanent closure of road**

- (1) This section applies to the parts of the shopping centre land and the excluded land that are, immediately before the commencement, dedicated as a road for public use.
- (2) On the commencement—
  - (a) the road is permanently closed; and
  - (b) the land becomes unallocated State land.
- (3) Subsection (2)(a) applies despite the *Land Act 1994*, chapter 3, part 2, division 2.

### **7            Issue of deeds of grant for shopping centre land and excluded land**

- (1) On the commencement—
  - (a) any part of the shopping centre land that was, immediately before the commencement, subject to a shopping centre lease becomes unallocated State land; and
  - (b) a deed of grant issued before the commencement for any part of the shopping centre land is cancelled and the land becomes unallocated State land.
- (2) The Governor in Council must issue to the State—
  - (a) a deed of grant for the shopping centre land; and
  - (b) a deed of grant for the excluded land.

- (3) A deed of grant required under subsection (2) to be issued—
  - (a) must be issued under the *Land Act 1994*; and
  - (b) subject to section 21 of that Act, is issued free of all of the interests to which the shopping centre land or the excluded land was subject immediately before the commencement.
- (4) However, the conversion of the shopping centre land to freehold land, and the issue of a deed of grant for the land, under this section does not terminate a shopping centre lease.
- (5) To remove any doubt, it is declared that the *Housing Act 2003*, section 112 continues to apply to a shopping centre lease until the lease is cancelled under section 15 or otherwise terminated.
- (6) In this section—

***deed of grant*** means a document evidencing the grant of land in fee simple under the *Land Act 1994* that includes an indefeasible title under the Land Title Act.

## **8 Preparation and registration of plan of survey**

- (1) The chief executive must ensure a plan of survey creating 1 lot for the shopping centre land and 1 lot for the excluded land is prepared as soon as practicable after the commencement.
- (2) The plan of survey must generally correspond with the plan in schedule 1.
- (3) The chief executive must ensure the plan of survey is registered under the *Land Act 1994*.
- (4) No fee is payable for registering the plan of survey under the *Land Act 1994*.

## Part 3                                  **Establishment of community titles schemes**

### **9            Plans of subdivision for community titles schemes**

- (1) As soon as practicable after the plan of survey mentioned in section 8 is registered, the chief executive must ensure the following plans of subdivision are prepared and lodged for registration under the Land Title Act—
  - (a) plan of subdivision SP169871 (the *principal scheme plan*), subdividing the shopping centre land into lots to be included in, and common property for, a community titles scheme;
  - (b) plan of subdivision SP169873 (the *subsidiary scheme plan*), subdividing proposed lot 22 shown on the principal scheme plan into lots to be included in, and common property for, a community titles scheme.
- (2) The lots and common property, and the easements relating to the lots and common property, shown on the principal scheme plan must generally correspond with the lots, common property and easements shown on the plan in schedule 2.
- (3) The lots and common property, and the easements relating to the lots and common property, shown on the subsidiary scheme plan must generally correspond with the lots, common property and easements shown on the plan in schedule 3.
- (4) For the Land Title Act, section 50, a plan of subdivision prepared under this section is taken to have been approved by the Brisbane City Council.
- (5) To remove any doubt, it is declared that section 44 of the BCCM Act does not prevent the registration under the Land Title Act of an easement shown on the principal scheme plan.
- (6) In this section—  
*common property* see the BCCM Act, section 10.



**10 Community management statements for community titles schemes**

- (1) The chief executive must ensure the first community management statements for the proposed community titles schemes are lodged for recording under the Land Title Act.
- (2) For the BCCM Act, section 60, the Brisbane City Council is taken to have endorsed the community management statements with community management statement notations.
- (3) In this section—  
*proposed community titles schemes* means the community titles schemes mentioned in section 9(1)(a) and (b).

**11 Date of establishment of community titles schemes**

- (1) The principal scheme and subsidiary scheme are taken to be established on the conversion day.
- (2) Subsection (1) applies despite the BCCM Act, section 24(2).
- (3) If the State grants an easement before the conversion day over land that will be scheme land for the principal scheme or subsidiary scheme, the easement takes effect in relation to the shopping centre land from the day the easement is created.
- (4) However, if an easement to which subsection (3) applies is inconsistent with the terms of a shopping centre lease, the lease prevails to the extent of the inconsistency.

**12 State as original owner for community titles schemes**

- (1) The State can not be prosecuted for not complying with an obligation under the BCCM Act in the State's capacity as the original owner for the principal scheme or subsidiary scheme.
- (2) The *Body Corporate and Community Management (Commercial Module) Regulation 1997*, section 49(1)(b) and (f), does not apply to the State as the original owner for the principal scheme or subsidiary scheme.

**13 Notice to lessees of recording of community management statements etc.**

- (1) Within 7 days after the first community management statements for the principal scheme and subsidiary scheme are recorded, the chief executive must give each lessee of a shopping centre lease—
  - (a) a notice (a *conversion notice*) stating each of the following—
    - (i) that community management statements for the principal scheme and subsidiary scheme have been recorded;
    - (ii) the conversion day;
    - (iii) the information the lessee is required to give the chief executive before the conversion day; and
  - (b) a tax invoice issued by the department that shows the conversion cost payable by the lessee.
- (2) The information stated in a conversion notice under subsection (1)(a)(iii) must be—
  - (a) information in, or to the effect of, the approved form for the *Valuation of Land Act 1944*, section 81(1); and
  - (b) any other information reasonably required by the chief executive in relation to the vesting of a transfer lot in the lessee.
- (3) In this section—

*tax invoice* see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), section 195-1.

**14 Requirement for lessees to pay conversion cost and provide information**

- (1) The lessee of a shopping centre lease must pay to the chief executive, before the conversion day, the total of the following amounts (the *conversion cost*)—
  - (a) the unimproved value amount for each shopping centre lease held by the person immediately before the conversion day;

- (b) any GST payable on a supply relating to the vesting of a transfer lot in the person under section 15;
- (c) any transfer duty imposed under the *Duties Act 2001* on the vesting.

*Note—*

For the enforcement of this provision, see sections 19 to 22.

- (2) The lessee of a shopping centre lease must also, before the conversion day, give the chief executive the information required to be given to the chief executive under the conversion notice given to the lessee.

Maximum penalty—5 penalty units.

- (3) In this section—

*unimproved value amount*, for a shopping centre lease, means the amount of the valuation of the unimproved value of the land contained in the lease that was in force under the *Valuation of Land Act 1944* on 30 June 2003.

## Part 4 Vesting of lots in lessees

### 15 Termination of shopping centre leases and vesting of lots in lessees

- (1) On the conversion day—
  - (a) a shopping centre lease still in force is cancelled; and
  - (b) a lot included in the principal scheme or subsidiary scheme and identified in schedule 4, column 1 (a *transfer lot*) vests in each person (each a *first owner*) who was, immediately before the conversion day, a lessee of a relevant lease for the lot.
- (2) Each shopping centre lease listed in schedule 4, column 2 opposite a transfer lot is a *relevant lease* for the lot.
- (3) Subsection (1)(b) applies subject to sections 16 and 17.

- (4) If a shopping centre lease cancelled under this section was, immediately before its cancellation, subject to a sublease or other interest—
- (a) the cancellation of the lease under this section does not terminate the sublease or other interest; and
  - (b) on the conversion day, the sublease or other interest is taken to be held in relation to each lot vested under subsection (1) in the lessee of the lease.
- (5) If there is an unregistered document in relation to a shopping centre lease cancelled under this section, the document must be relogged by the registrar of titles, for the person who lodged the document, against each transfer lot vested in the lessee of the lease.
- (6) The following do not apply in relation to the vesting of a transfer lot under this section—
- (a) the *Land Sales Act 1984*;
  - (b) the BCCM Act, chapter 5, parts 1 to 3.
- (7) In this section—
- unregistered document*** means a document that—
- (a) has been lodged under the *Land Act 1994* but has not been registered in the appropriate register under that Act; and
  - (b) has not been rejected.

**16 Transfer lot for which a relevant lease is not in force immediately before conversion day**

- (1) This section applies if a relevant lease for a transfer lot is not in force immediately before the conversion day.
- (2) If there is another relevant lease for the transfer lot that is in force immediately before the conversion day (the ***current lease***), the transfer lot is vested in each of the following persons (each a ***first owner***)—
  - (a) the persons who were, immediately before the conversion day, the lessees of the current lease;

- (b) the persons who were the lessees of the lease mentioned in subsection (1) immediately before its termination.
- (3) If there is no relevant lease for the transfer lot in force immediately before the conversion day, the lot is not a transfer lot.

## **17 Co-ownership of transfer lots**

- (1) This section applies if a transfer lot is vested under section 15(1)(b) in more than 1 person.
- (2) For lot 3 of the subsidiary scheme, the persons take—
  - (a) if the lessees of SHPTL 1201, acting jointly, give notice to the chief executive before the conversion day of the individual interests in the lot they have agreed to take—the individual interests in the lot stated in the notice; or
  - (b) otherwise—the same individual interests in the lot as they had in SHPTL 1201 immediately before its cancellation.
- (3) For another transfer lot, the persons take the same individual interests in the lot as they had in the relevant lease or leases for the lot immediately before their cancellation.

## **18 Recording conversion of title etc.**

- (1) The chief executive must, as soon as practicable after the conversion day—
  - (a) give the chief executive (land) a notice asking that the chief executive note in the appropriate register under the *Land Act 1994* the cancellation under section 15(1)(a) of the shopping centre leases to which the section applies; and
  - (b) give the registrar of titles a notice asking that the registrar record the vesting of the transfer lots under section 15(1)(b), 16 or 17 and stating—
    - (i) the name of the first owner of each transfer lot and, if a transfer lot vests in co-owners, the interests taken by the co-owners; and

*Inala Shopping Centre Freeholding Act 2006*

---

- (ii) if a transfer lot vests subject to the chief executive's charge—the lot vests subject to the charge and the conversion cost for the lot.
- (2) The registrar of titles must—
  - (a) record in the freehold land register—
    - (i) the vesting of the transfer lots; and
    - (ii) the interests mentioned in section 15(4)(b) in relation to the transfer lots; and
  - (b) if a transfer lot vests subject to the chief executive's charge—
    - (i) record the chief executive's charge in the freehold land register; and
    - (ii) while a chief executive's charge is recorded in the freehold land register, keep a record of the conversion cost for the lot.
- (3) Fees payable under the Land Title Act for recording the vesting of a transfer lot under section 15(1)(b), 16 or 17 must be paid by the department.
- (4) However, no fee is payable for recording the chief executive's charge under this section.
- (5) Subsection (6) applies to an instrument of covenant—
  - (a) in favour of the State relating to the use for a taxi rank of the part of lot 20 of the principal scheme identified on the principal scheme plan as 'taxi rank covenant'; and
  - (b) executed before the conversion day by the chief executive.
- (6) The instrument of covenant may be registered under the Land Title Act even though the covenant is entered into by the State with the State.
- (7) In this section—

***chief executive (land)*** means the chief executive of the department in which the *Land Act 1994* is administered.

**19 Creation of chief executive's charge**

- (1) This section applies if the conversion cost for a transfer lot is not paid by the first owner of the lot before the conversion day.
- (2) Each transfer lot vesting in the first owner under section 15(1)(b), 16 or 17 vests subject to a charge (the *chief executive's charge*) in favour of the chief executive securing payment of the conversion cost.
- (3) The charge is binding on the first owner of the lot and the owner's successors in title.
- (4) For the *Local Government Act 1993*, section 1057, the chief executive's charge is an encumbrance conferring rights on the State.

**20 Enforcement of chief executive's charge—notice of intention to sell lot**

- (1) This section applies if—
  - (a) a transfer lot vests in the first owner subject to the chief executive's charge; and
  - (b) the chief executive decides the lot should be sold to recover the unpaid conversion cost.
- (2) The chief executive must give notice (a *notice of intention to sell*) stating the matters mentioned in subsection (3) to—
  - (a) the registered owner of the lot; and
  - (b) each mortgagee of the lot.
- (3) The matters are each of the following—
  - (a) the conversion day;
  - (b) the amount of the unpaid conversion cost;
  - (c) that the chief executive may sell the lot if the registered owner does not pay to the chief executive within a stated period—
    - (i) the amount of the unpaid conversion cost; and

- (ii) if the chief executive requires interest on the unpaid conversion cost to be paid by the registered owner—interest on the unpaid conversion cost.
- (4) The total amount payable by the registered owner under subsection (3)(c) is the ***demand amount***.
- (5) The period stated in the notice under subsection (3)(c) must be at least 14 days after the notice is given to the registered owner.
- (6) If the notice requires the registered owner to pay interest under subsection (3)(c)(ii), the interest is payable—
  - (a) for the period starting on the day after the conversion day and ending on the day the amount of the unpaid conversion cost is paid in full; and
  - (b) at the Reserve Bank of Australia’s official cash rate<sup>1</sup> for each day in the period plus 2%.
- (7) If the registered owner does not pay the demand amount within the period stated in the notice, the chief executive may—
  - (a) sell the lot; or
  - (b) if a mortgagee agrees to sell the lot—allow the mortgagee to sell the lot.
- (8) If the chief executive allows a mortgagee to sell the lot under subsection (7)(b), the registered owner is taken to be in default under the mortgage.

## **21 Release of chief executive’s charge on payment of conversion cost etc.**

- (1) This section applies if—
  - (a) the chief executive receives payment of the demand amount during the period stated in a notice of intention to sell; or
  - (b) with the Minister’s consent, the chief executive, after the period stated in a notice of intention to sell, agrees to

---

<sup>1</sup> The Reserve Bank of Australia’s official cash rate is published on the bank’s website at <[www.rba.gov.au](http://www.rba.gov.au)>.



accept, and receives payment of, another amount in payment of the chief executive's charge.

- (2) The amount mentioned in subsection (1)(b) may be more or less than the demand amount.
- (3) Each lot that is subject to the chief executive's charge is released from the charge.
- (4) The chief executive must, as soon as practicable, ask the registrar of titles to record the release of the charge in the freehold land register.
- (5) The registrar of titles must, on the chief executive's request, record the release of the charge in the freehold land register.
- (6) No fee is payable for recording the release of the chief executive's charge under this section.

## **22 Sale of lot by chief executive**

- (1) If the chief executive may sell a transfer lot under section 20(7)(a), the lot may be sold by public auction or private contract.
- (2) The chief executive must apply the proceeds of sale as follows—
  - (a) firstly, in payment of all costs, charges and expenses properly incurred by the chief executive in the sale or a previous attempted sale of the transfer lot;
  - (b) secondly, in payment of the demand amount to the chief executive;
  - (c) thirdly, in payment of any amount owing to a mortgagee or, if there is more than 1 mortgagee, according to their priorities;
  - (d) lastly, in payment to the previous registered owner of the lot.
- (3) On the sale of the transfer lot, the chief executive must give the registrar of titles an instrument of transfer executed by the chief executive, in the approved form under the Land Title Act, in relation to the sale.

*Inala Shopping Centre Freeholding Act 2006*

---

- (4) On receiving the instrument of transfer, the registrar of titles must register the purchaser stated in the instrument for the interest held in the transfer lot by the previous registered owner, free of all encumbrances.
- (5) The registrar of titles must comply with subsection (4) even if an instrument of title relating to the transfer lot is not produced.
- (6) Subsection (4) applies subject to section 23.
- (7) If the demand amount has not been paid in full after the proceeds of sale are applied, the unpaid part of the amount may be recovered from the previous registered owner of the transfer lot as a debt owing to the State.
- (8) The *Property Law Act 1974* does not apply to the exercise of the chief executive's powers under this section.
- (9) In this section—  
***encumbrance***—
  - (a) includes any of the following affecting land—
    - (i) a mortgage, lien or charge;
    - (ii) a caveat;
    - (iii) an agreement;
    - (iv) a judgment, writ or process;
    - (v) an interest adverse to the interest of the land's owner; but
  - (b) does not include an easement.

***previous registered owner***, of a transfer lot sold under this section, means the person who was the registered owner of the lot immediately before its sale.

**23 Priority of local government charge preserved**

- (1) This section applies if—
  - (a) the chief executive intends to sell a transfer lot under section 22; and
  - (b) the lot is subject to a charge for an overdue rate under the *Local Government Act 1993*, section 1037A.

- (2) The chief executive must, before selling the transfer lot, give written notice to the local government to which the rate is payable stating the chief executive's intention to sell the lot.
- (3) The chief executive may sell the transfer lot only—
  - (a) subject to the charge; or
  - (b) free of the charge to the extent, and subject to any conditions, agreed by the local government to which the rate is payable.

## **24 Chief executive's charge not affected by mortgagee sale**

- (1) This section applies if—
  - (a) a transfer lot vests in the first owner subject to the chief executive's charge; and
  - (b) a mortgagee exercising the power of sale under the Land Title Act sells the lot before the chief executive's charge is released under this part.
- (2) The chief executive's charge is not released by the sale and the transfer lot is transferred to the purchaser subject to the charge.
- (3) This section applies despite the *Property Law Act 1974*, section 86.

## **25 No compensation**

Compensation is not payable for any action taken by the chief executive or the registrar of titles under this part.

# **Part 5 Miscellaneous provisions**

## **26 Particular proceedings not affected by cancellation of shopping centre leases**

- (1) This section applies if shopping centre leases SHPTL 1803 and SHPTL 1252 (the *relevant leases*) are cancelled under

*Inala Shopping Centre Freeholding Act 2006*

---

section 15(1)(a).

- (2) If the easement proceeding is not finished before the conversion day, the proceeding may be continued, and the Supreme Court may make an easement order, as if the relevant leases had not been cancelled.
- (3) Subsection (2)—
  - (a) does not limit the orders that may be made by the court; and
  - (b) applies despite section 15.
- (4) Subsection (5) applies if—
  - (a) an easement order is made by the Supreme Court; and
  - (b) the relevant easement is not registered before the conversion day; and
  - (c) the following approvals in relation to registration of the relevant easement have been obtained—
    - (i) the written approval of the Minister administering the *Land Act 1994*;
    - (ii) if the Supreme Court considers any other approval in relation to the easement is necessary to give effect to SHPTL 1803—any approval required to comply with an order of the court; and
  - (d) the relevant easement would have been capable of registration under the *Land Act 1994* had the relevant leases not been cancelled.
- (5) The relevant easement must be registered under the Land Title Act as if the easement had been granted over lot 20 of the principal scheme in favour of lot 21 of the principal scheme.
- (6) In this section—

***easement order*** means an order requiring the lessee of SHPTL 1803 to grant an easement over part of the land contained in the lease in favour of the lessee of SHPTL 1252.

***easement proceeding*** means the proceeding started in the Supreme Court in 2004 by the lessee of SHPTL 1252 against the lessee of SHPTL 1803 seeking an easement over, or a

statutory right of user in respect of, part of the land contained in SHPTL 1803.

**relevant easement** means an easement granted in compliance with an easement order.

## **27 Exempt development**

- (1) This section applies if development under this Act would, if subsection (2) did not apply, be prohibited development, assessable development, development requiring compliance assessment or self-assessable development under the Planning Act.
- (2) The development is taken to be exempt development for the Planning Act.
- (3) In this section—

**development** see the Planning Act, section 7.

**Planning Act** means the *Sustainable Planning Act 2009*.

## **28 Provision for survey plan if particular access easement created**

- (1) This section applies if the Land Title Act, section 83(2), would, if subsection (2) did not apply, require a plan of survey prepared for this Act to be approved by the Brisbane City Council.
- (2) The Brisbane City Council is taken to have approved the plan of survey.

## **29 Notice of change of ownership of transfer lot**

- (1) The *Valuation of Land Act 1944*, section 81, does not apply in relation to the acquisition by the first owner, or the disposal by the State, of a transfer lot.
- (2) As soon as practicable after receiving the relevant information from the first owner, the chief executive must give the information to the chief executive (valuation).
- (3) In this section—

**chief executive (valuation)** means the chief executive of the department in which the *Valuation of Land Act 1944* is administered.

**relevant information** means information in, or to the effect of, the approved form for the *Valuation of Land Act 1944*, section 81(1).

### 30 **Payment of costs—adjustment of lot entitlement schedule for subsidiary scheme**

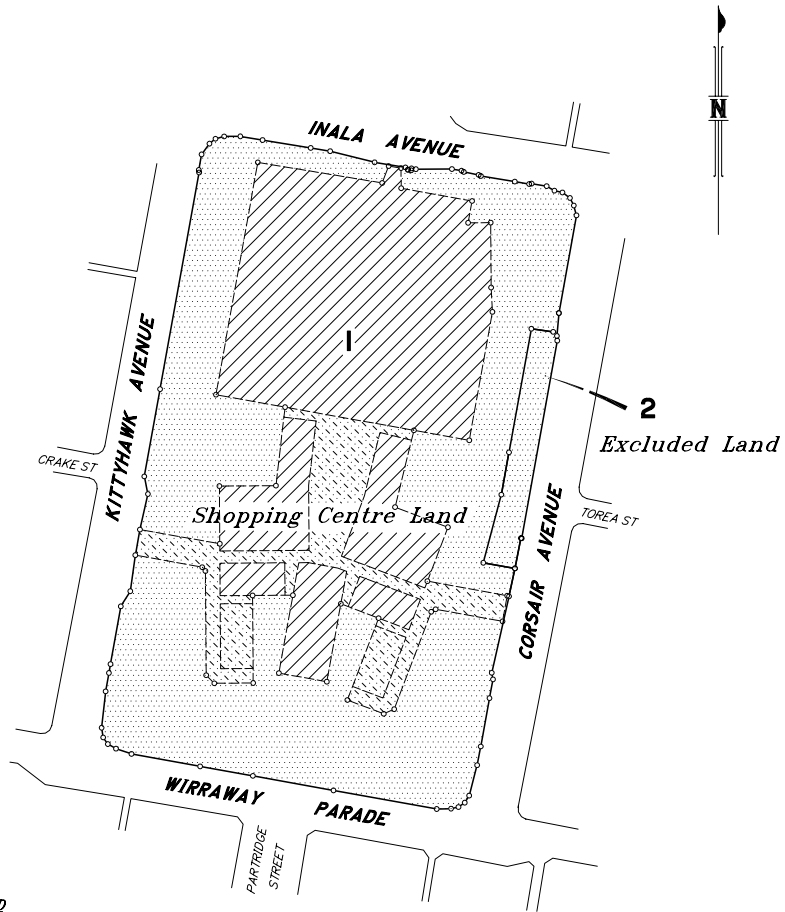
- (1) This section applies if—
  - (a) the first owner of a transfer lot included in the subsidiary scheme applies, within 3 months after the conversion day, under the BCCM Act, chapter 6, to the commissioner for an adjustment of the lot entitlement schedule for the scheme; and
  - (b) the application is dealt with by specialist adjudication under the BCCM Act, chapter 6, part 8.
- (2) The chief executive is responsible for the costs of the adjudication.
- (3) If the application is made before the commencement of the *Body Corporate and Community Management and Other Legislation Amendment Act 2007*, section 50 (the **commencement**), subsection (2) applies despite the BCCM Act, section 280 as in force immediately before the commencement.
- (4) If the application is made after the commencement, subsection (2) applies despite the BCCM Act, section 264 as in force after the commencement.
- (5) In this section—

**commissioner** means the commissioner for body corporate and community management under the BCCM Act.




# Schedule 1

# Proposed plan showing shopping centre land and excluded land

section 5



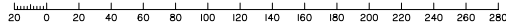
**LEGEND**

-  Road
-  Freehold
-  Leasehold

*Proposed Lots 1 & 2 on SP169870*

*Two Deed of Grants to be issued to the Department of Housing*

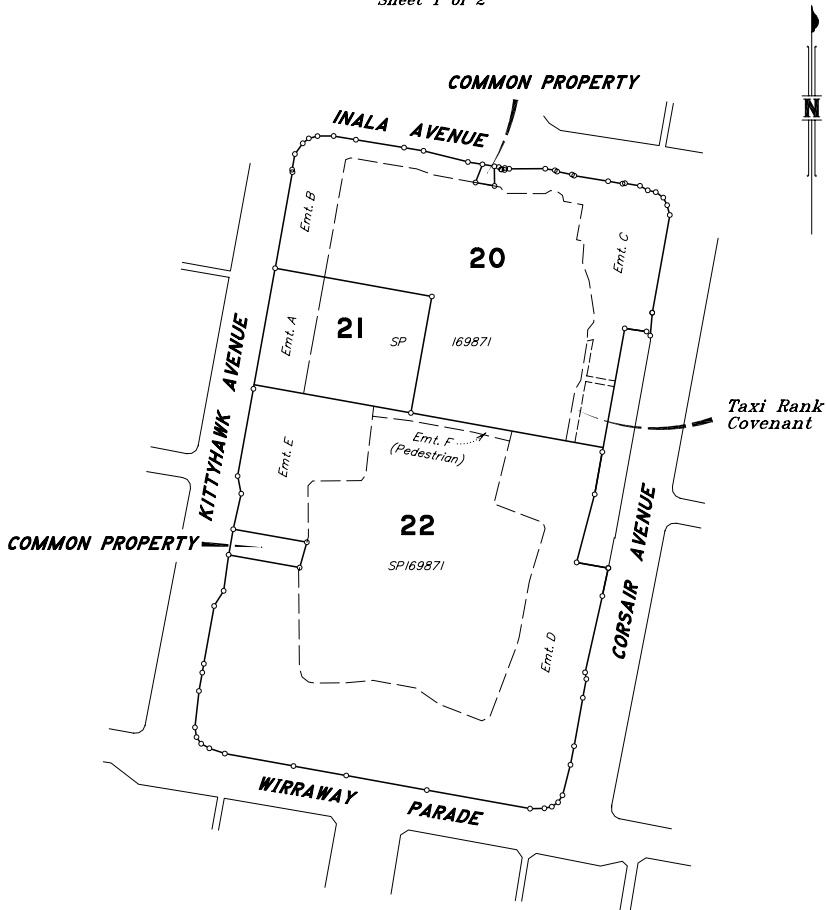
Scale - Lengths are in Metres.



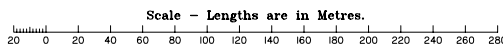
# Schedule 2 Proposed plan of subdivision for principal scheme

section 9(2)

Sheet 1 of 2



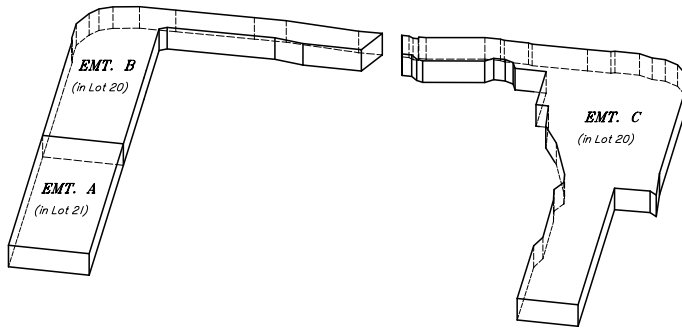
Proposed Lots 20-22 and Common Property on SP169871





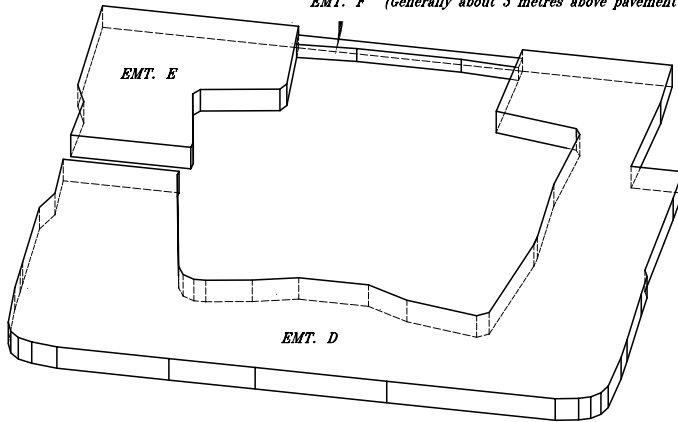
Schedule 2 (continued)

Sheet 2 of 2

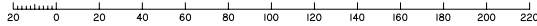


*Easements A-E are generally limited to 6 metres above pavement level.*

*EMT. F (Generally about 3 metres above pavement level)*

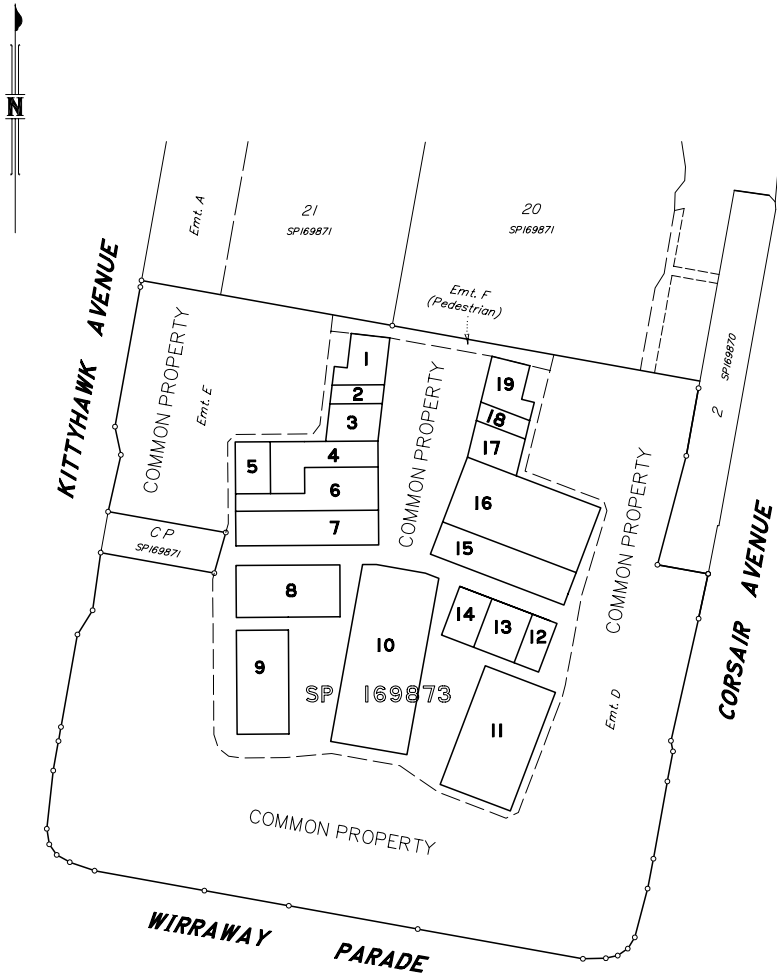


Scale - Lengths are in Metres.

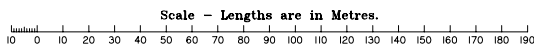


# Schedule 3 Proposed plan of subdivision for subsidiary scheme

section 9(3)



Proposed Lots 1-19 and Common Property on SP169873



## **Schedule 4      Transfer lots and relevant leases**

section 15(1)(b) and (2)

### **Column 1**

#### **Transfer lots**

#### **lots included in principal scheme (SP169871)**

lot 20

lot 21

#### **lots included in subsidiary scheme (SP169873)**

lot 1

lot 2

lot 3

lot 4

lot 5

lot 6

lot 7

lot 8

lot 10

lot 13

lot 14

lot 15

lot 16

lot 17

lot 18

lot 19

### **Column 2**

#### **Relevant leases**

SHPTL 1803

SHPTL 1252

SHPTL 1170

SHPTL 817

SHPTL 1462 and SHPTL 1201

SHPTL 816 and SHPTL 1786

SHPTL 923

SHPTL 1169

SHPTL 815

SHPTL 813

SHPTL 812

SHPTL 839

SHPTL 822

SHPTL 820

SHPTL 904

SHPTL 836

SHPTL 823

SHPTL 1213

## Schedule 5      Dictionary

### section 4

*BCCM Act* means the *Body Corporate and Community Management Act 1997*.

*chief executive's charge* see section 19(2).

*commencement* means the commencement of part 2.

*community management statement* see the BCCM Act, section 12.

*community titles scheme* see the BCCM Act, section 10.

*conversion cost* see section 14(1).

*conversion day* means the day that is 60 days after the first community management statement for the subsidiary scheme is recorded under the BCCM Act.

*conversion notice* see section 13(1)(a).

*demand amount* see section 20(4).

*excluded land* see section 5(2).

*first owner* see sections 15(1)(b) and 16(2).

*freehold land register* see the Land Title Act, schedule 2.

*Land Title Act* means the *Land Title Act 1994*.

*lot* see the Land Title Act, schedule 2.

*notice* means written notice.

*notice of intention to sell* see section 20(2).

*plan of subdivision* see the Land Title Act, section 49.

*principal scheme* means the community titles scheme established as required under part 3 for which the scheme land is the shopping centre land.

*principal scheme plan* see section 9(1)(a).

*registered owner* see the Land Title Act, schedule 2.

## Schedule 5 (continued)

***registrar of titles*** means the registrar of titles under the Land Title Act.

***relevant lease*** see section 15(2).

***scheme land*** see the BCCM Act, section 10.

***shopping centre land*** see section 5(1).

***shopping centre lease*** means a lease in perpetuity of any of the shopping centre land held by the lessee under the *Housing Act 2003*, section 112.

***SHPTL*** means State Housing Perpetual Town Lease.

***subsidiary scheme*** means the community titles scheme established as required under part 3 for which the scheme land is lot 22 of the principal scheme.

***subsidiary scheme plan*** see section 9(1)(b).

***transfer lot*** see section 15(1)(b).

## Endnotes

### 1 Index to endnotes

|   | Page |
|---|------|
| 2 Date to which amendments incorporated . . . . . | 28   |
| 3 Key . . . . .                                   | 28   |
| 4 Table of reprints . . . . .                     | 29   |
| 5 List of legislation . . . . .                   | 29   |
| 6 List of annotations . . . . .                   | 29   |

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 18 December 2009. Future amendments of the Inala Shopping Centre Freeholding Act 2006 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

| Key    | Explanation                    | Key     | Explanation                             |
|--------|--------------------------------|---------|---|
| AIA    | = Acts Interpretation Act 1954 | (prev)  | = previously                            |
| amd    | = amended                      | proc    | = proclamation                          |
| amdt   | = amendment                    | prov    | = provision                             |
| ch     | = chapter                      | pt      | = part                                  |
| def    | = definition                   | pubd    | = published                             |
| div    | = division                     | R[X]    | = Reprint No. [X]                       |
| exp    | = expires/expired              | RA      | = Reprints Act 1992                     |
| gaz    | = gazette                      | reloc   | = relocated                             |
| hdg    | = heading                      | renum   | = renumbered                            |
| ins    | = inserted                     | rep     | = repealed                              |
| lap    | = lapsed                       | (retro) | = retrospectively                       |
| notfd  | = notified                     | rv      | = revised edition                       |
| num    | = numbered                     | s       | = section                               |
| o in c | = order in council             | sch     | = schedule                              |
| om     | = omitted                      | sdiv    | = subdivision                           |
| orig   | = original                     | SIA     | = Statutory Instruments Act 1992        |
| p      | = page                         | SIR     | = Statutory Instruments Regulation 2002 |
| para   | = paragraph                    | SL      | = subordinate legislation               |
| prec   | = preceding                    | sub     | = substituted                           |
| pres   | = present                      | unnum   | = unnumbered                            |
| prev   | = previous                     |         |   |

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

| Reprint No. | Amendments included | Effective        | Notes                         |
|-------------|---------------------|------------------|-------------------------------|
| 1           | none                | 1 September 2006 |                               |
| 1A          | 2007 Act No. 11     | 1 July 2007      |                               |
| 1B          | —                   | 1 September 2007 | s 32(2), pt 6 div 2 commenced |
| 1C          | 2009 Act No. 36     | 18 December 2009 |                               |

## 5 List of legislation

### **Inala Shopping Centre Freeholding Act 2006 No. 7**

date of assent 15 March 2006

ss 1–2 commenced on date of assent

s 32(2), pt 6 div 2 commenced 1 September 2007 (see s 2(2) and 2006 SL No. 216)

remaining provisions commenced 1 September 2006 (2006 SL No. 216)

amending legislation—

### **Body Corporate and Community Management and Other Legislation Amendment Act 2007 No. 11 pts 1, 3 div 2**

date of assent 20 March 2007

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2007 (2007 SL No. 147)

### **Local Government Act 2009 No. 17 ss 1, 2(4), 331 sch 1**

date of assent 12 June 2009

ss 1–2 commenced on date of assent

remaining provisions not yet proclaimed into force (see s 2(4))

### **Sustainable Planning Act 2009 No. 36 ss 1–2, 872 sch 2**

date of assent 22 September 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 18 December 2009 (2009 SL No. 281)

## 6 List of annotations

### **Exempt development**

s 27 amd 2009 No. 36 s 872 sch 2

### **Payment of costs—adjustment of lot entitlement schedule for subsidiary scheme**

s 30 amd 2007 No. 11 s 76

**PART 6—AMENDMENTS OF ACTS**

**pt hdg** om R1B (see RA s 7(1)(k))

**Division 1—Amendment of Housing Act 2003**

**div 1 (ss 31–32)** amd R1 (see RA s 40)

om R1B (see RA ss 7(1)(k) and 40)

**Division 2—Amendment of Housing (Freeholding of Land) Act 1957**

**div 2 (ss 33–35)** om R1B (see RA ss 7(1)(k) and 40)